

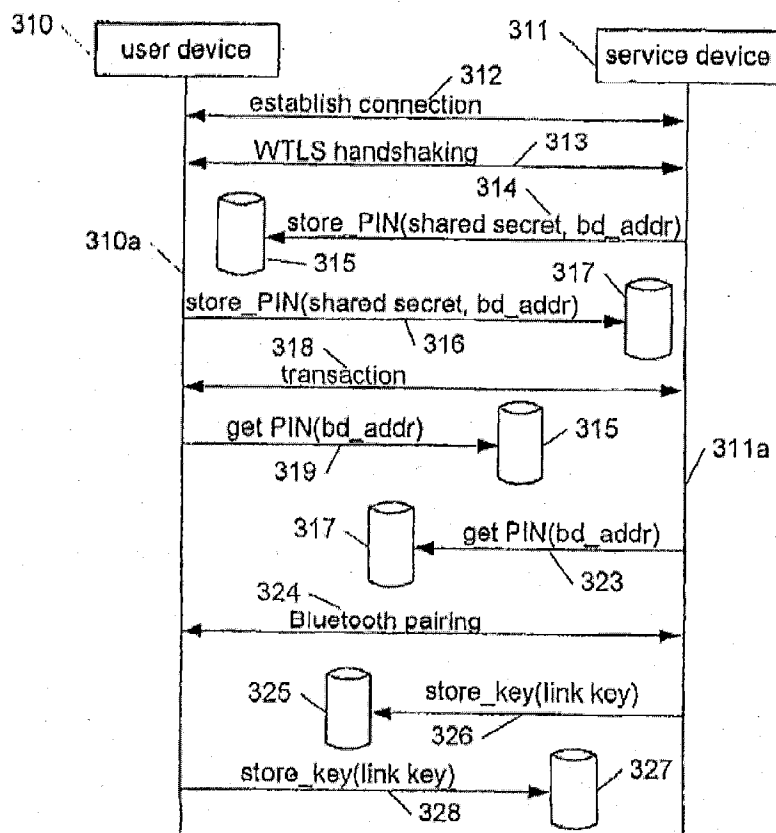
### REMARKS

This Response is submitted in reply to the Office Action dated December 9, 2010. Claims 7 to 17 are pending in the present application. Claims 7, 8 and 11 to 13 are in independent form and are hereby amended. Independent Claim 18 is hereby added. No new matter has been added by such amendments. A Request for Continued Examination is submitted with this Response. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Request for Continued Examination and this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner allow the application or provide an Office Action which identifies "... any claims which he or she judges, as presently recited, to be allowable and/or ... suggest any way in which he or she considers that rejected claims may be amended to make them allowable" in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 7 to 13 and 15 to 17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,216,231 to Gehrmann ("Gehrmann") in view of U.S. Patent Publication No. 2003/0093542 to Saito ("Saito"). In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

Gehrmann discloses a system for establishing a wireless communication link. Fig. 3b of Gehrmann illustrates a message flow of a communications session.



**Fig. 3b**

Column 10, lines 53 to 64 of Gehrmann discloses:

FIG. 3b illustrates the message flow during the communications session described in connection with FIG. 3a .... After a connection between the user communications device 310 and the service communications device 311 is established by the message sequence 312, a WTLS handshake is performed by the message sequence 313.

Saito discloses a communication device and communication control method using efficient echonet address determination scheme. The Abstract of Saito discloses:

In a communication device for carrying out communications according to an Echonet protocol on a network of a prescribed network layer protocol, a prescribed bit sequence value of a network layer address or a datalink layer address of the communication device is set as a candidate for an Echonet address to be used in the Echonet protocol. Then, an inquiry packet for inquiring whether the prescribed bit sequence value is identical to the Echonet address used by each

other communication device or not is transmitted, and the prescribed bit sequence value is determined as the Echonet address of the communication device when the prescribed bit sequence value is judged as not identical to any of Echonet addresses used by the other communication devices.

It appears the Office Action would interpret Gehrmann's message sequence 313 as the requested usability of Claim 7. Applicant submits that Gehrmann's message sequence 313 is not indicative of any communication protocols that are available by Gehrmann's service device 311. In other words, unlike the communication system of Claim 7, the communication system resulting from the combination of Gehrmann and Saito does not disclose acquisition means for, before: (a) requesting usability of at least one communication protocol from the second communication apparatus, the usability being: (i) sent to the at least one communication apparatus from the second communication apparatus; and (ii) indicative of a second communication protocol which is available by the second communication apparatus . . . ."

For at least these reasons, it is respectfully submitted that independent Claim 7 is patentably distinguished over Gehrmann and Saito and in condition for allowance.

Independent Claims 8, 11 to 13 and 18 each include certain similar elements to independent Claim 7. For reasons similar to those discussed above with respect to independent Claim 7, independent Claims 8, 11 to 13 and 18 (and dependent Claims 9, 10 and 15 to 17) are each patentably distinguished over Gehrmann and Saito and in condition for allowance.

The Office Action rejected Claim 14 under 35 U.S.C. § 103(a) as being unpatentable over Gehrmann in view of Saito as applied to Claim 13, further in view of U.S. Patent Publication No. 2004/0193402 to Nolan et al. ("Nolan").

Applicant respectfully submits Nolan fails to cure the deficiencies of Gehrmann and Saito discussed above. Because Claim 14 is dependent on independent Claim 13, Applicant submits Claim 14 is patentable over the cited prior art for at least the same reasons discussed above, and for the additional patentable elements recited therein.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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